

Dean Engelhardt et al.
Serial No.: 08/486,066
Filed: June 7, 1995

Page 3 (Supplemental Amendment to Applicants' September 12, 1995
Second Preliminary Amendment - September 19, 1995)

REMARKS

Claims 238-305 were previously added by Applicants' September 11, 1995 Preliminary Amendment and September 12, 1995 Second Preliminary Amendment. Claims 293 and 294 have been amended; and claim 298 has been cancelled. Accordingly, claims 238-297 and 299-305 are presented for examination in this continuation application under 37 C.F.R. §1.60.

A minor misspelling error on page 103 in the specification (the word "lymphokine") has been corrected above.

Claims 293 and 294 have also been amended to change their recitation from "The oligo- or polynucleotide" to -- The nucleotide --. By so doing, the antecedent basis for the dependent recitation in both claims has been restored. In addition, claim 298 has been cancelled.

It is believed that no new matter has been inserted by any of the foregoing amendments. Any inconvenience caused by these oversights is sincerely regretted.

No fee is believed due for these amendments, the fees of \$1,038.00 and \$748.00 having been previously authorized with the filing of Applicants' continuation request and their September 12, 1995 Second Preliminary Amendment, respectively. In the event that any fee is due, however, The Patent and Trademark Office is hereby authorized hereby to charge the amount of any such fee to Deposit Account No. 05-1135, or to credit any overpayment thereto.

Early and favorable action on claims 238-297 and 299-305 is respectfully requested.

Respectfully submitted,



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REMARKS

Applicants are presenting new claims 238-271 in this continuation application under Rule 1.62.

The specification has been amended in a number of instances as follows. **First**, Applicants have substituted a new title of the invention that is believed to be more descriptive of the subject matter now embraced by new claims 238-271. In the prior application, Applicants had sought coverage for the sugar labeled nucleotide as well as the oligo- or polynucleotide (and other composition) comprising same. In the new claims 238-271 presented above, Applicants are seeking coverage for only the oligo- or polynucleotide, and a composition comprising at least one sugar moiety labeled nucleotide. The new title, An Oligo- or Polynucleotide, and Composition Comprising Sugar Moiety Labeled Nucleotides, reflects this pursuit. **Second**, Applicants have updated the citations for various patents and patent applications referenced in the specification. These citations occur in the first two pages of the specification. It is believed that the updated citations will serve to enhance the readability of the present disclosure by alerting future readers and examiners to the patent numbers cited and incorporated by reference therein. In connection with the updated citations, Applicants note that two patents have already issued in the family to which the instant application belongs. The first, U.S. Patent No. 5,328,824, issued on August 31, 1993 for "Base Moiety Labeled Detectable Nucleotide," and the second, U.S. Patent No. 5,260,433, issued on November 9, 1993 for "Saccharide Specific Binding System Labeled Nucleotides." **Third**, a new abstract of the disclosure has been substituted on page 141. It is believed that no new matter has been inserted by any of the foregoing amendments to the specification.

As indicated in the opening remarks above, Applicants have canceled claims 204-237 in favor of new claims 238-271, the latter being directed to an oligo- or polynucleotide and a composition comprising at least one sugar moiety labeled nucleotide. The new claims 238-271 obviously represent a narrower scope of the instant invention than the previous claims.

In order to facilitate review of new claims 238-271, Applicants have set forth below the correspondence of each new claim against the previous claims in the predecessor application (Serial No. 07/960,071, filed on October 13, 1992).

<u>New Claim No.</u>	<u>Prior Related Claim</u>	<u>Changes in New Claim/Comments</u>
238	204	"An oligo- or polynucleotide" inserted for "A nucleotide" insertion that Sig "is a detectable moiety"
239	205	"The oligo- or polynucleotide" inserted for "A ribonucleotide"
240	206	"wherein said nucleotide comprises a deoxyribonucleotide" inserted for "at least one nucleotide . . ."
241	207	"wherein said nucleotide comprises a ribonucleotide" inserted for "at least one nucleotide . . ."
242	208	"The oligo- or polynucleotide" inserted for "A nucleotide"
243	209	same as claim 242 above
244	210	same as claim 242 above
245	211	same as claim 242 above
246	212	same as claim 242 above
247	213	same as claim 242 above
248	214	same as claim 242 above
249	215	same as claim 242 above
250	216	same as claim 242 above
251	217	same as claim 242 above
252	218	same as claim 242 above
253	219	same as claim 242 above
254	220	same as claim 242 above
255	221	same as claim 242 above
256	222	same as claim 242 above
257	223	same as claim 242 above
258	224	same as claim 242 above
259	225	same as claim 242 above
260	226	same as claim 242 above

261	227	same as claim 242 above
262	228	same as claim 242 above
263	229	same as claim 242 above
264	230	"An oligo- or polynucleotide in accordance with claim . . ." inserted for "An oligo- or polynucleotide comprising at least one nucleotide in accordance with claim . . ."
265	231	"which comprises" inserted for "including"
266	232	same as claim 242 above
267	233	"comprises at least one member selected . . ." inserted for "is selected from the group consisting of at least one member . . ."
268	234	same as claim 242 above
269	235	same as claim 242 above
270	236	no change
271	237	no change

Because the new claims correspond largely to the former claims and represent, in fact, a narrower scope, it is believed that no new matter is presented in claims 238-271 above. Accordingly, their entry is respectfully urged.

Submission of Information Disclosure Statement

Applicants, through their attorney, are submitting concurrently with this Preliminary Amendment an Information Disclosure Statement Under §§1.56 & 1.97-1.98 in order to bring one hundred and two (102) art-related documents (attached as Exhibits 1-102) to the attention of The Patent Office and the Examiner handling their application. In order to facilitate review, several footnotes tracking the genesis of the documents have been included in the Information Disclosure Statement Under 37 C.F.R. §§1.56 & 1.97-1.98. These 102 documents (Exhibits 1-102) are listed both in the IDS, and in the completed Form PTO-1449 attached thereto as Exhibit 103. It is respectfully requested that these documents be made of record in the subject application, and considered fully prior to any determination that the instantly claimed subject matter is allowable.

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Since the number of new claims (238-271) added above is identical to the number (34) of the former claims (204-237), no fee is believed due for this Preliminary Amendment. In the event that any fee is due, however, The Patent and Trademark Office is further authorized hereby to charge Deposit Account No. 05-1135 for any such fee, and to credit any overpayment thereto.

Early and favorable action on the claims presented herein is courteously solicited.

Respectfully submitted,



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